

# TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp  
received & posted:

48-hr notice effective  
when time stamped

Notice of every meeting of a local public body must be filed and time-stamped with the Town Clerk's Office at least 48 hours prior to such meeting (excluding Saturdays, Sundays and legal holidays) and posted thereafter in accordance with the provisions of the Open Meeting Law, MGL 30A §18-22 (Ch. 28-2009). Such notice shall contain a listing of topics the Chair reasonably anticipates will be discussed at the meeting.

|                                    |   |
|------------------------------------|---|
| Name of Board or Committee:        | <u>Conservation Commission</u>                                    |
| Date & Time of Meeting:            | <u>December 13, 2022 @ 7:00pm</u>                                 |
| Location of Meeting:               | <u>Lakeville Police Station<br/>323 Bedford St. Lakeville, MA</u> |
| Clerk/Board Member posting notice: | <u>Lori Canedy</u>  |

Cancelled/Postponed to: \_\_\_\_\_ (circle one)

Clerk/Board Member Cancelling/Postponing: \_\_\_\_\_

## A G E N D A

1. 76 Lakeside Ave - Request for Certificate of Compliance - SE192-864 -Smith
2. Staples Shore Rd. - Notice of Intent, removal of trees and brush within 20-feet of Assawompset Pond Dam - Tighe & Bond - continued.
3. 2 Main St. - Request for Determination of Applicability, whether boundaries of resource area referenced are accurately delineated.

NEW BUSINESS:  
OLD BUSINESS  
APPROVAL OF MINUTES  
CORRESPONDENCE  
ANNOUNCEMENTS

Please be aware that this agenda is subject to change. If other issues requiring immediate attention of the Conservation Commission arise after the posting of this agenda, they may be addressed at this meeting.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 8A – Request for Certificate of Compliance**

SE192-864  
Provided by DEP

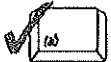
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

RECEIVED

**A. Project Information**

NOV 17 2022

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Allan Smith Conservation Commission  
Name  
76 Lakeside Ave  
Mailing Address  
Lakeville MA 02347  
City/Town State Zip Code  
774-766-7502  
Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Allan Smith  
Applicant  
6/9/2021 SE192-864  
Dated DEP File Number

3. The project site is located at:

76 Lakeside Ave Lakeville  
Street Address City/Town  
051/003/007  
Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Allan Smith  
Property Owner (if different)  
Plymouth 55190 227  
County Book Page

Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.  
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 8A – Request for Certificate of Compliance**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE192-864  
Provided by DEP

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### A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes      If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

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### B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

John C. Spink  
Professional Engineer  
59 Clay Street  
Middleborough, MA 02346  
774-766-0544 [jspink1@gmail.com](mailto:jspink1@gmail.com)

November 16, 2022

TO WHOM IT MAY CONCERN:

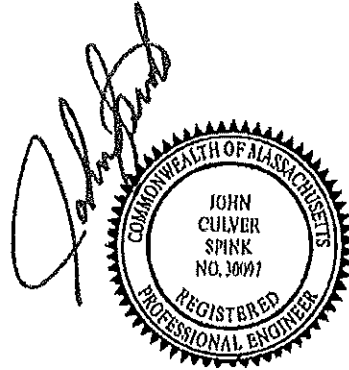
RE: Septic System Installation - As-Built  
76 Lakeside Avenue  
Lakeville, MA

The system was approved by the Board of Health, constructed, inspected, and an as-built drawing submitted to the Board of Health. The installation was done in accordance with the approved design as approved by BOH and designed per Massachusetts rules and regulation of Title V. The final as-built of record is in the files of the Town Board of Health

Yours,



John Spink, P.E. Structural  
MA No.: 30097





MASSWILDLIFE

# DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581  
p: (508) 389-6300 | f: (508) 389-7890  
MASS.GOV/MASSWILDLIFE

November 30, 2022

Michael Arruda  
City of Taunton Water Division  
90 Ingell Street  
Taunton, MA 02780

Lakeville Conservation Commission  
346 Bedford Street  
Lakeville, MA 02347

Middleborough Conservation Commission  
20 Center Street #3  
Middleborough, MA 02346

RE:    Applicant:                    City of Taunton Water Division  
       Project Location:           Lakeside Road, Middleborough; Staples Shore Road, Lakeville  
       Project Description:        Cutting of trees and brush from the embankment, abutment, and within 20 feet of the Assawompset Pond Dam.  
       DEP Wetlands File No:    192-0882 (Lakeville); 220-1579 (Middleborough)  
       NHESP Tracking No.:        22-41439

RE:    **Notice that additional information is required to take further action on your combined application for review under the WPA and MESA regulations**

Dear Commissioners and Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received two Notices of Intent with site plans in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR, 10.58(4)(b)). The Division also received the MESA Review Checklist and supporting documentation for review pursuant to the MA Endangered Species Act Regulations (321 CMR 10.18, MESA). Both NOIs contain the same plans entitled CITY OF TAUNTON, MASSACHUSETTS ASSAWOMPSET POND DAM TREE CUTTING dated OCTOBER 2022 (5 sheets, prepared by Tighe & Bond).

Based on a review of the information provided and the information currently contained in our database, the proposed Project is located within mapped *Priority* and *Estimated Habitat* for the following state-listed species, as indicated in the *Massachusetts Natural Heritage Atlas* (15<sup>th</sup> Edition):

| Scientific Name               | Common Name                 | State Status    | Taxonomic Group   |
|-------------------------------|-----------------------------|-----------------|-------------------|
| <i>Terrapene carolina</i>     | Eastern Box Turtle          | Species Concern | Vertebrate Animal |
| <i>Pseudemys rubriventris</i> | Northern Red-bellied Cooter | Endangered*     | Vertebrate Animal |

MASSWILDLIFE

These species and their habitats are protected pursuant to the MESA. Fact sheets for these species can be found on our website, [www.mass.gov/nhosp](http://www.mass.gov/nhosp). \*The Northern Red-bellied Cooter is also listed as Endangered pursuant to the federal Endangered Species Act of 1973 and regulations (16 USCA§§1531-1544, 50 CFR§17 & 402) administered by the United States Fish & Wildlife Service.

The purpose of the Division's review of the proposed project under the rare species section of the WPA regulations is to determine whether the project will have any adverse effects on the Resource Area Habitats of state-listed species. The purpose of the Division's review under the MESA regulations is to determine whether a Take of state-listed species will result from the proposed project.

This letter is to inform you that the Division has reviewed the materials submitted with your combined application under the WPA and MESA regulations and has **determined that additional information is required in order for the Division to complete its review** pursuant thereto, as specified below:

1. State-listed Turtle Habitat Assessment. The Applicant shall arrange for a wildlife habitat assessment focusing on both Eastern Box Turtle (TECA) and Northern Red-bellied Cooter (PSRU). The assessment shall be performed in accordance with the "Endangered Species Habitat Assessment Guidelines: Wildlife" document found on our website at <http://www.mass.gov/eea/docs/dfg/nhosp/regulatory-review/wildlifeassessment.pdf>

The assessment must be performed by a qualified biologist with experience working with these species. The resume(s) of the individual(s) who will perform the assessments should be provided to the NHESP for approval prior to initiation of the assessment. The Division is available for consultation to identify potential qualified biologists.

As part of the habitat assessment, vegetation cover types should be described and mapped. The assessment should carefully identify and map potential overwintering habitat (TECA) and nesting habitat (TECA, PSRU) with consideration of suitable feeding, breeding, migrating, and estivating habitats, which should be described and mapped. Finally, the habitat assessment should include a detailed evaluation of the potential impacts of the proposed project on state-listed rare species and their habitats. The assessment should include opportunities for habitat enhancement within the project site or nearby.

Please note that upon review of this information the NHESP reserves the right to require that rare species surveys be conducted.

2. State-listed Mussel Habitat Assessment. A qualified wildlife biologist with extensive field experience working with state-listed pond mussels shall perform an assessment of the habitat located within the area of work associated with the shoreline of Assawompset Pond. The resume(s) of the biologist(s) selected to perform the assessment must be provided to the Division for approval prior to initiating the assessment. The assessment shall describe and map all suitable habitat in accordance with the "Endangered Species Habitat Assessment and Survey Guidelines: Wildlife" document found on our website at:

<http://www.mass.gov/eea/docs/dfg/nhosp/regulatory-review/wildlifeassessment.pdf>

After receiving the above requested information, the Division will continue its review of the proposed project for compliance with the state-listed species provisions of the WPA and MESA regulations. The Division reserves

the right to request additional information to understand the potential impacts of the proposed project on state-listed species and their habitats.

**No work or other activities related to your filing may be conducted anywhere on the property while the Division completes its review pursuant to MESA.** If you decide to withdraw with your application for review under 321 CMR 10.18, please notify the Division of that decision in writing so that we can close out our review file for this project. If you have any questions regarding this Notice, please contact Misty-Anne Marold, Senior Endangered Species Review Biologist, at [misty-anne.marold@mass.gov](mailto:misty-anne.marold@mass.gov) or (508) 389-6356.

Sincerely,



Everose Schlüter, Ph.D.  
Assistant Director

cc: Ryan Hayes, Tighe & Bond  
MA DEP Southeast Region



# WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## A. General Information

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

Jamie Bissonnette  
Name jamie@zcellc.com  
E-Mail Address

3 Main Street  
Mailing Address

Lakeville  
City/Town MA  
State 02347  
Zip Code

508-947-4208  
Phone Number Fax Number (if applicable)

2. Representative (if any):

Zenith Consulting Engineers, LLC.  
Firm

Jamie Bissonnette  
Contact Name jamie@zcellc.com  
E-Mail Address

3 Main St  
Mailing Address

Lakeville  
City/Town MA  
State 02347  
Zip Code

508-947-4208  
Phone Number Fax Number (if applicable)

## B. Determinations

1. I request the Lakeville Conservation Commission make the following determination(s). Check any that apply:

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance or bylaw** of:

\_\_\_\_\_  
Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).





**WPA Form 1- Request for Determination of Applicability**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**C. Project Description**

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

|                           |                   |
|---------------------------|-------------------|
| <u>2 Main Street</u>      | <u>Lakeville</u>  |
| Street Address            | City/Town         |
| <u>062</u>                | <u>003-001</u>    |
| Assessors Map/Plat Number | Parcel/Lot Number |

b. Area Description (use additional paper, if necessary):

The property is located on the easterly side of Main Street just north of 6 Main Street.

c. Plan and/or Map Reference(s):

|                                 |                   |
|---------------------------------|-------------------|
| <u>Plan to Accompany an RDA</u> | <u>11-16-2022</u> |
| Title                           | Date              |
| <u> </u>                        | <u> </u>          |
| Title                           | Date              |
| <u> </u>                        | <u> </u>          |
| Title                           | Date              |

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):



## WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

---

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

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# WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Kevin J. Medeiros, Trustee of TB Realty Trust

Name

98 East Grove Street, Suite 201

Mailing Address

Middleboro

City/Town

MA

State

02346

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10/05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

11-25-2022  
Date

Signature of Representative (if any)

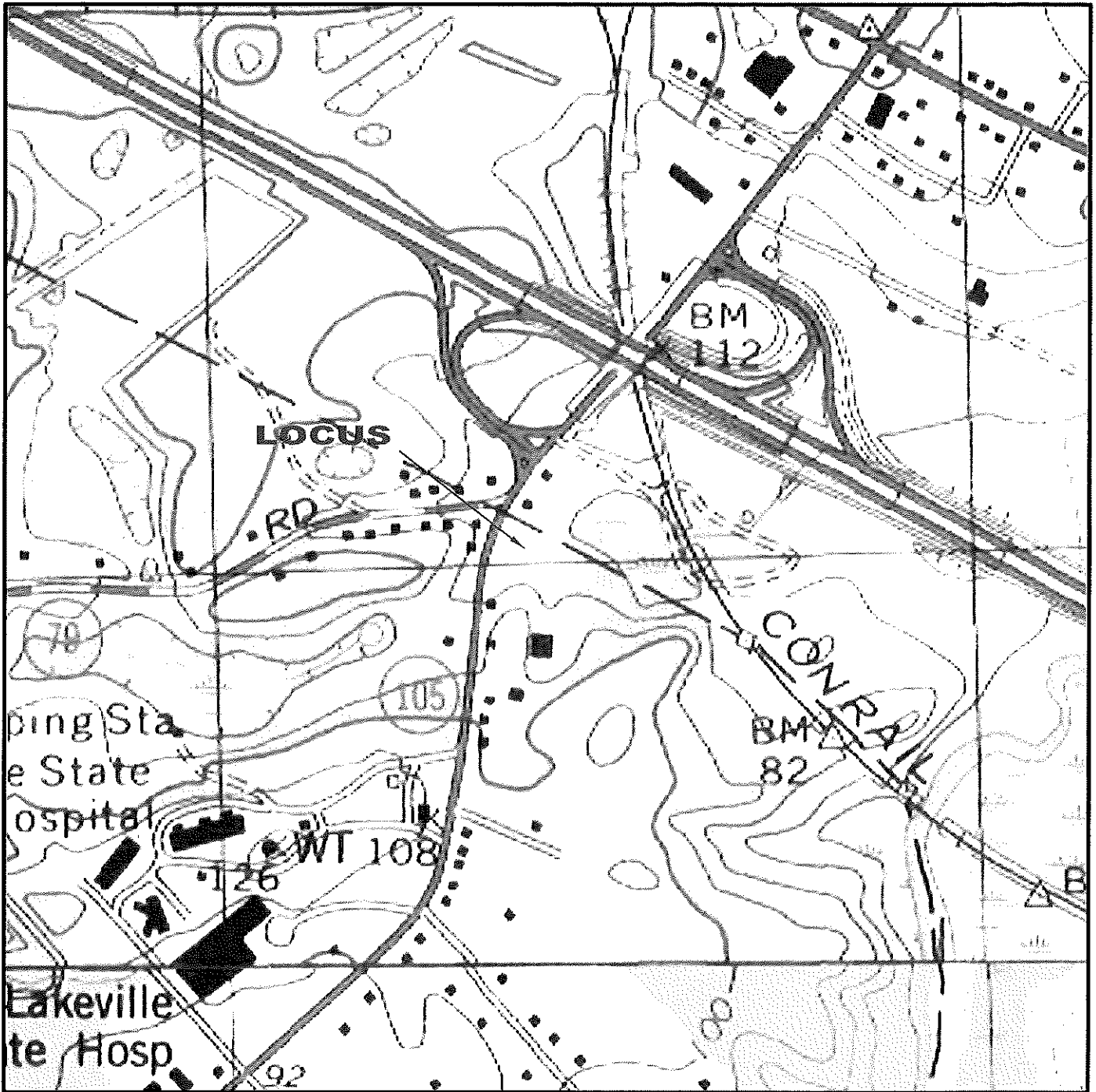
11-25-2022  
Date

**Locus: 2 Main Street in Lakeville, MA**  
**Assessors Map 062 Lot 003-001**

**Request for Determination of Applicability Attachments**

- 1 USGS Map
- 2 Firm Map
- 3 Copies of Checks

**USGS Map**



SHEET NAME:

**USGS MAP**

PROJECT SITE:

**2 MAIN STREET  
LAKEVILLE, MASSACHUSETTS**

CLIENT INFO:

**3 MAIN STREET LLC  
LAKEVILLE, MASSACHUSETTS**



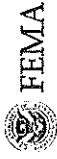
**ZENITH CONSULTING ENGINEERS, LLC**

3 MAIN STREET LAKEVILLE, MA 02347

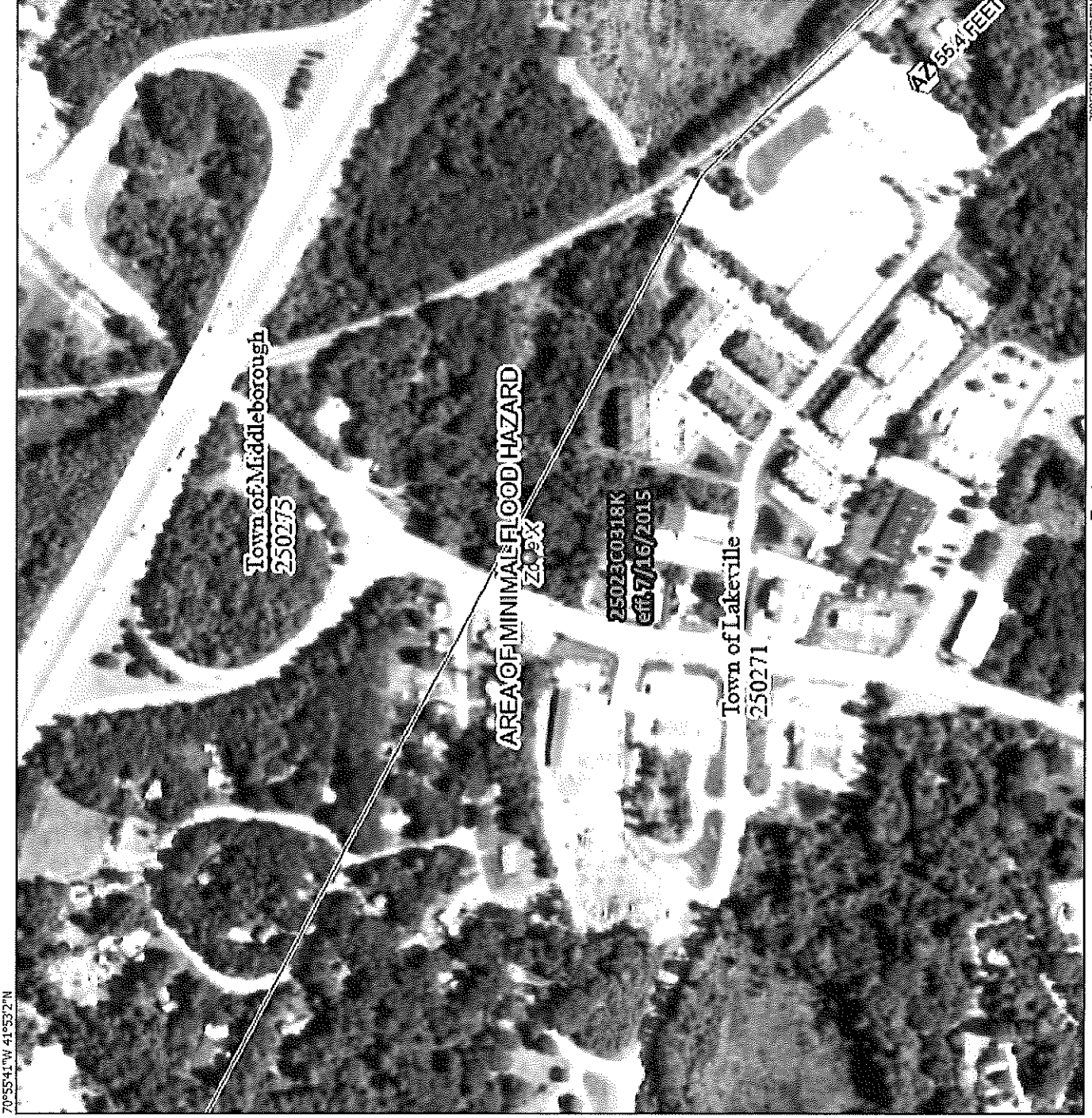
PHONE: (508) 947-4208

**Firm Map**

# National Flood Hazard Layer FIRMette



70°55'41"W 41°53'27"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000  
 Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

|  |   |
|--|---|
|  | Without Base Flood Elevation (BFE)<br>Zone A, V, A99  |
|  | With BFE or Depth Zone AE, AO, AH, VE, AR   |
|  | Regulatory Floodway   |
|  | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
|  | Future Conditions 1% Annual Chance Flood Hazard Zone X  |
|  | Area with Reduced Flood Risk due to Levee. See Notes, zone X  |
|  | Area with Flood Risk due to Levee Zone D  |

|  |  |
|--|--|
|  | NO SCREEN                                |
|  | Area of Minimal Flood Hazard Zone X      |
|  | Effective LOMRS                          |
|  | Area of Undetermined Flood Hazard Zone D |
|  | Channel, Culvert, or Storm Sewer         |
|  | Levee, Dike, or Floodwall                |

|  |  |
|--|--|
|  | Cross Sections with 1% Annual Chance Water Surface Elevation |
|  | Coastal Transect   |
|  | Base Flood Elevation Line (BFE)                              |
|  | Limit of Study   |
|  | Jurisdiction Boundary  |
|  | Coastal Transect Baseline                                    |
|  | Profile Baseline   |
|  | Hydrographic Feature   |

|  |                           |
|--|---------------------------|
|  | Digital Data Available    |
|  | No Digital Data Available |
|  | Unmapped                  |



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/8/2022 at 11:00 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



**Copies of Checks**

SECURITY INFORMATION: THIS CHECK IS SUBSTITUTED FOR THE ORIGINAL CHECK. ANY ALTERATION OR TAMPERING IS PROHIBITED.

Zenith Consulting Engineers, LLC.  
3 Main Street  
Lakeville, MA 02347-1617

Rockland Trust Company  
63-447/113

4401

11/25/2022

PAY TO THE  
ORDER OF

Town of Lakeville

\$ \*\*75.00

Seventy-five and 00/100\*\*\*\*\*

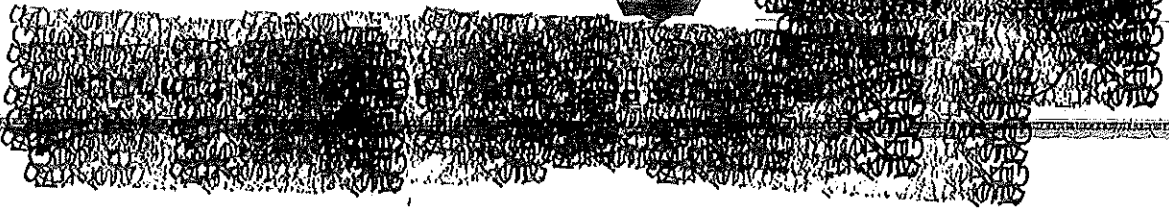
DOLLARS

PROTECTED AGAINST FRAUD

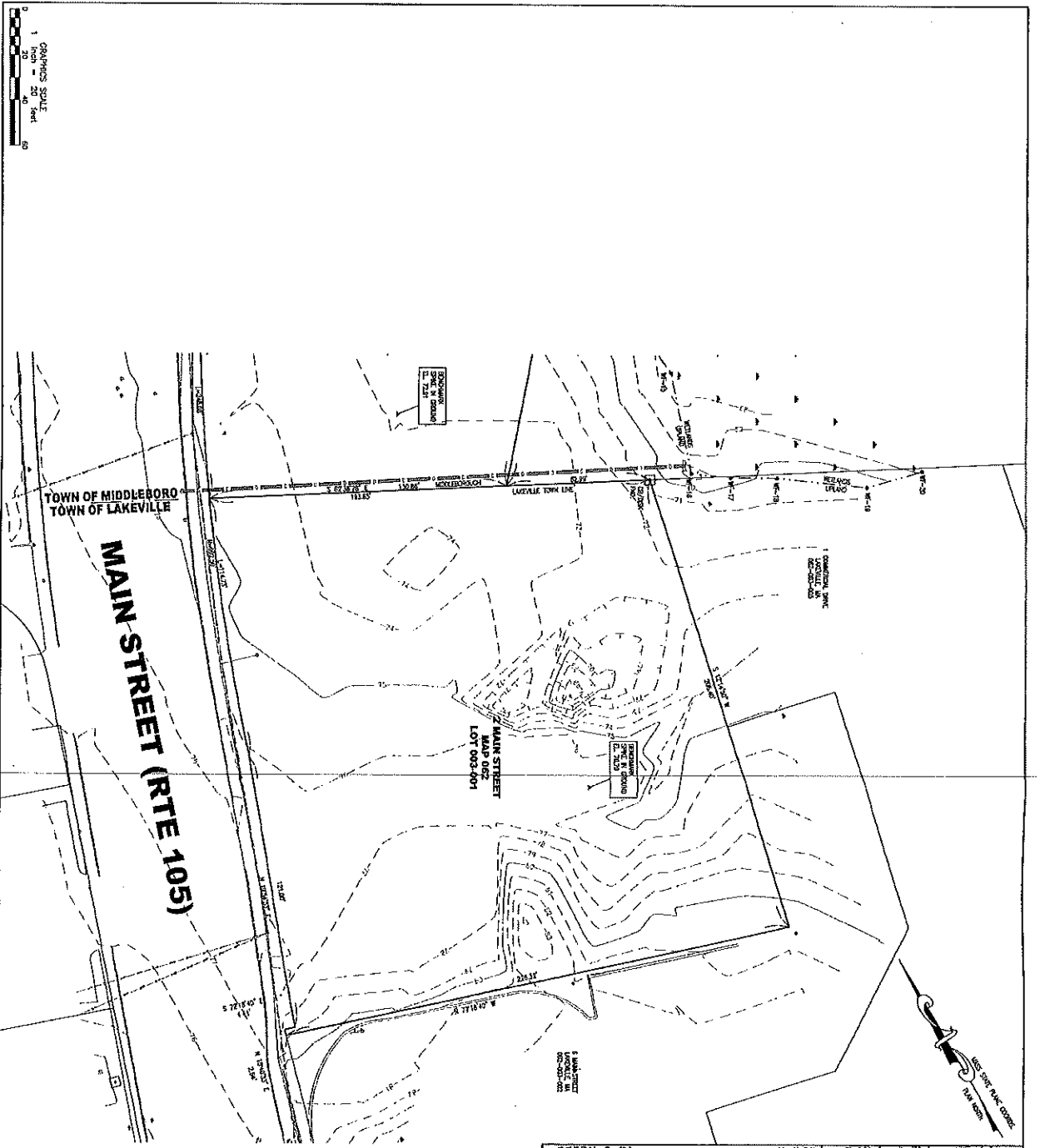
Town of Lakeville  
Town Office Building  
346 Bedford St.  
Lakeville, MA 02347



MEMO



Details on Back  
Intuit® CheckLock™ Secure Check



RECEIVED  
NOV 28 2022  
Conservation Commission

**SITE NOTES:**

1. THE SITE IS LOCATED IN THE TOWN OF LAKEVILLE, MASSACHUSETTS. THE PROJECT IS A 2.00 ACRES LOT.
2. THE SITE IS A 2.00 ACRES LOT.
3. THE SITE IS A 2.00 ACRES LOT.
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8. THE SITE IS A 2.00 ACRES LOT.
9. THE SITE IS A 2.00 ACRES LOT.
10. THE SITE IS A 2.00 ACRES LOT.

| SHEET NO.   | PLAN TO ACCOMPANY AN RDA                                       | DRAWN BY:    | DATE:      | REV. | DATE | DESCRIPTION | BY | APP. |
|-------------|--|--------------|------------|------|------|-------------|----|------|
| PROJECT NO. | 2 MAIN STREET<br>LAKEVILLE, MASSACHUSETTS                      | DESIGNED BY: | 11/16/2022 |      |      |             |    |      |
| CLIENT INFO | 3 MAIN STREET LLO<br>3 MAIN STREET<br>LAKEVILLE, MASSACHUSETTS | ORDERED BY:  |            |      |      |             |    |      |
|             |  | APPROVED BY: |            |      |      |             |    |      |
|             |  |              |            |      |      |             |    |      |

**ZENITH CONSULTING ENGINEERS, LLC**  
3 MAIN STREET LAKEVILLE, MA 02347  
PHONE: (508) 947-4208

P.E. STAMP

3/1/2022 Engineering Project\124001\124001.dwg User: jze Date: 11/16/2022

**CONSERVATION COMMISSION  
LAKEVILLE, MASSACHUSETTS**

**NOTICE OF PUBLIC HEARING**

According to the provisions of Massachusetts General Laws, Chapter 131, Section 40 of the Wetlands Protection Act, there will be a hearing on a Request for Determination of Applicability by Jamie Bissonnette, to determine whether the boundaries of resources area are accurately delineated. The location of the project is 2 Main St., Lakeville (Map 62 Block 3 Lot 1). The public hearing will be held on Tuesday, December 13, 2022, at 7:00p.m. at the Lakeville Police Station, 323 Bedford St., Lakeville.

**Robert Bouchard, Chairman  
Lakeville Conservation Commission**